

**LABOR SERVICES DIVISION[875]**

**Notice of Intended Action**

**Proposing rule making related to occupational safety and health violations and providing an opportunity for public comment**

The Labor Commissioner hereby proposes to amend Chapter 3, “Posting, Inspections, Citations and Proposed Penalties,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 88.14.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 88.

*Purpose and Summary*

This proposed rule making would increase Iowa’s penalties for occupational safety and health violations to match the federal penalties.

*Fiscal Impact*

This proposed rule making would result in a small increase in deposits to the general fund.

*Jobs Impact*

After analysis and review of this rule making, the Commissioner finds that jobs could be impacted. However, these amendments are implementing federally mandated regulations, and the State of Iowa is only implementing the federal regulations. The requirements imposed on Iowa businesses by these regulations do not exceed those imposed by federal law.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commissioner for a waiver of the discretionary provisions, if any, pursuant to 875—Chapter 5.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Commissioner no later than 4:30 p.m. on April 18, 2018. Comments should be directed to:

Kathleen Uehling  
Division of Labor Services  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Email: [kathleen.uehling@iwd.iowa.gov](mailto:kathleen.uehling@iwd.iowa.gov)

### *Public Hearing*

If requested in accordance with Iowa Code section 17A.4(1)“b” by the close of business on April 17, 2018, a public hearing at which persons may present their views orally or in writing will be held as follows:

April 18, 2018  
9 a.m.

150 Des Moines Street  
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Commissioner and advise of specific needs by calling 515.725.5615.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend subrule 3.11(1) as follows:

**3.11(1)** The civil penalties proposed by the labor commissioner on or after ~~February 11, 2018~~ June 30, 2018, are as follows:

*a. Willful violation.* The penalty for each willful violation under Iowa Code section 88.14(1) shall not be less than ~~\$8,908~~ \$9,239 and shall not exceed ~~\$124,709~~ \$129,336.

*b. Repeated violation.* The penalty for each repeated violation under Iowa Code section 88.14(1) shall not exceed ~~\$124,709~~ \$129,336.

*c. Serious violation.* The penalty for each serious violation under Iowa Code section 88.14(2) shall not exceed ~~\$12,471~~ \$12,934.

*d. Other-than-serious violation.* The penalty for each other-than-serious violation under Iowa Code section 88.14(3) shall not exceed ~~\$12,471~~ \$12,934.

*e. Failure to correct violation.* The penalty for failure to correct a violation under Iowa Code section 88.14(4) shall not exceed ~~\$12,471~~ \$12,934 per day.